

**HARVEY CEDARS BOARD OF COMMISSIONERS
MEETING AGENDA**

April 20, 2020

Meeting location: via Zoom

1. Call the meeting to order.
2. Pledge of Allegiance.
3. To the best of my knowledge all requirements of the State Sunshine Law have been met.

Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule of this meeting of the Board of Commissioners of the Borough of Harvey Cedars is listed in the notice of meetings posted on the bulletin board located in the Borough Hall and the Borough's website and was published on January 9, 2020 in the Beach Haven Times and the Asbury Park Press.

N.J.S.A 10:4-8(b) authorizes local units to conduct public meetings through use of streaming services and other online meeting platforms. Notice of the meeting being held remotely via Zoom was posted on the website on April 7, 2020 and published in the Beach Haven Times on April 2 and 9, 2020.

4. **Motion** to approve the minutes of the regular meeting held on April 3, 2020:
Second:

5. **ORDINANCE #2020-08 SECOND READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING
THE MUNICIPALITY IN PREPARING ITS 2020 BUDGET TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A
CAP BANK**

Proof of publication is on hand and the ordinance has been posted.

Motion to open public discussion:

Second:

Motion to close public discussion:

Second:

Motion to adopt:

Second:

Vote:

6. **RESOLUTION:**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS COUNTY OF
OCEAN, STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR
TO PROCESS THIRD QUARTER "ESTIMATED" TAX BILLS, DUE AUGUST 1,
2020**

Motion to adopt:

Second:

7. **RESOLUTION: BILLS**

Motion to approve the bills for payment:

Second:

8. **TOPICS OF INTEREST**

9. **PRIVILEGE OF THE FLOOR**

10. **MOTION TO ADJOURN**

Due to the COVID-19 pandemic and the New Jersey Governor’s Executive Order No. 107, the shelter in place order effective March 21, 2020, the regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was hosted by the Municipal Clerk and Deputy Clerk via Zoom in the Borough Hall meeting room. Mayor Oldham, Commissioner Imperiale, Commissioner Rice and Borough Attorney William Hiering were in attendance from remote locations. Also in attendance remotely were 13 members of the public, 3 Borough staff, and 1 unknown registrant (most likely a Zoom “crasher”).

The meeting was called to order by Mayor Oldham at 4:35pm. The Mayor and Clerk asked the public to submit questions during the public portions.

The Mayor asked all to rise for the Pledge of Allegiance; the flag was on video in the Borough Hall meeting room.

The Mayor stated to the best of his knowledge all the requirements of the Sunshine Law have been met. Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule of this meeting of the Board of Commissioners of the Borough of Harvey Cedars is listed in the notice of meetings posted on the bulletin board located in the Borough Hall and the Borough’s website and was published on January 9, 2020 in the Beach Haven Times and the Asbury Park Press. N.J.S.A. 10:4-8(b) authorizes local units to conduct public meetings through use of streaming services and other online meeting platforms. Notice of the meeting being held remotely via Zoom was posted on the website on March 28, 2020 and published in the Beach Haven Times on April 2, 2020.

Motion to approve the minutes of the previous meeting held on March 16, 2020 was made by Commissioner Imperiale, seconded by Commissioner Rice.

The Mayor read the following ordinance by title and number and asked for a motion to introduce.

ORDINANCE #2020-08 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2020 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

Vote: Ayes – Oldham, Imperiale, Rice

The Mayor read the following ordinance by title and number and stated that proof of publication is on hand and the ordinance has been posted.

ORDINANCE #2020-06 SECOND READING

AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “BUILDING AND HOUSING” AS IT PERTAINS TO LOT FILL FOR LANDS EAST & WEST OF LONG BEACH BLVD.

The Mayor stated this ordinance brings items into consistency regarding barrier walls and lot fill.

Motion to open public discussion: Commissioner Imperiale

Second: Commissioner Rice

Joe Geiger asked who is responsible for maintaining timber walls if they eventually rot. The Mayor stated most walls are built with concrete blocks, however the property owner who installed the wall would be responsible for its maintenance; the hope is that in time when the next property fills, the wall will go away. Mr. Geiger asked how this effects the height and measurement of fencing, will the lower property’s fence be 2 feet short. The Zoning Officer stated the measurement for the height of the fence is determined from the property getting the permit. The Mayor said adjustments have been made if the property getting the fence is lower than the neighbors.

Motion to close public discussion: Commissioner Imperiale
Second: Commissioner Rice

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

Vote: Ayes – Oldham, Rice, Imperiale

A copy of the full ordinance as adopted is filed in the ordinance book and posted on the website.

The Mayor read the following ordinance by title and number and stated that proof of publication is on hand and the ordinance has been posted.

ORDINANCE #2020-07 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS ENTITLED “STORMWATER REGULATIONS AND STORMWATER CONTROL” AS IT PERTAINS TO DRAINAGE DETAILS AND DIAGRAMS

The Mayor mentioned this is in concert with the other ordinance and includes diagrams.

Motion to open public discussion: Commissioner Imperiale

Second: Commissioner Rice

There were no public questions or comments.

Motion to close public discussion: Commissioner Imperiale

Second: Commissioner Rice

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

Vote: Ayes – Oldham, Imperiale, Rice

A copy of the full ordinance as adopted is filed in the ordinance book and posted on the website.

The Mayor read the following resolutions by title only and asked for motions to adopt after reading each title. Copies of the full resolutions are attached hereto and made a part hereof:

RESOLUTION #2020-046:

BOROUGH OF HARVEY CEDARS PROCLAIMING APRIL 19 – 25, 2020 AS NATIONAL LIBRARY WEEK

The Mayor noted the library is closed through April 30th; however, the library is open online and provides a number of different services to the community.

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

RESOLUTION #2020-047:

AUTHORIZING AMENDMENT TO THE TEMPORARY BUDGET

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

RESOLUTION #2020-048:

INTRODUCTION OF MUNICIPAL BUDGET FOR 2020 TO BE READ BY TITLE ONLY

Municipal Budget of the Borough of Harvey Cedars, County of Ocean for the Fiscal Year 2020.

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020.

BE IT FURTHER RESOLVED that said budget be published in the Beach Haven Times in the issue of **April 9, 2020**.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, 7606 Long Beach Blvd., Harvey Cedars on **Friday, May 1, 2020 at 4:30pm** at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented

by taxpayers or other interested persons. The full budget document will be posted on the website no later than April 9, 2020.

A summary copy of the budget is attached hereto and made a part hereof.

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

Vote: Ayes – Oldham, Rice, Imperiale

The Mayor mentioned the State is delayed in its budget, therefore, estimated tax bills will be calculated and mailed.

RESOLUTION #2020-049: Bills

Motion to approve the bills for payment: Commissioner Imperiale

Second: Commissioner Rice

PRIVILEGE OF THE FLOOR –

Joe Geiger asked for a status on the downtown beautification discussed at a prior meeting. The Mayor stated the Master Plan is being worked on this year and will include sidewalk plans; Commissioner Imperiale added the Land Use Board will be forming a committee to review the Master Plan and it will be completed this year. The continuity of sidewalks was discussed; a committee will be formed to get input. Commissioner Rice asked the Mayor to discuss the upcoming Boulevard plan. The Mayor said the County will be paving the Boulevard this fall; since the County will not change the Boulevard from 4 to 3 lanes, he will be asking the County to address certain safety issues in the design of the Boulevard. Kathy Ries asked what was the reasoning for the County not to change to 3 lanes when there was an overwhelming desire to do so. The Mayor stated politics. Mr. Geiger suggested to have underground electric in the downtown area so not to have poles in the middle of sidewalks; the Mayor will speak with the Atlantic City Electric representative regarding cost.

Two questions were received by email prior to the meeting; the first question was not represented at this meeting, in attendance for the second question was Jim Fritz. The questions discussed were:

1. Can personal appearance be waived for senior beach badges this year. The Clerk stated the senior badges are the same price all season; it is uncertain how long the pandemic will continue; it is not necessary to sell them at this time.
2. Jim Fritz asked to put some “teeth” into the ordinance for the use of designated private property parking spots; people should be using their off-street parking spots not parking in the street; street parking should be reserved for day trippers and visitors; people have converted their parking spaces into gardens and patios. The Mayor stated the property in question was sent letters and had been cleaned up. Commissioner Imperiale stated it would be difficult to enforce; Mr. Fritz suggested during the summer months the Class 1 officers while riding bicycles can be texted to let them know a property has 5 cars in the street and none in the driveway. Commissioner Imperiale stated if parking spaces are turned into a patio, the spaces are not being maintained, this can be addressed, however enforcing parking on the street will be difficult. Mr. Fritz mentioned the property in question has not been cleaned up. The Mayor stated this will be looked at, he was aware that letters were sent.

Mayor Oldham stated these are difficult times; Borough employees are working hard in a tough situation trying to stay safe themselves while performing their jobs. He asked for the public’s cooperation and patience, to plan ahead for resale and construction inspections, and to be courteous to staff who are trying to protect themselves; no one can be in the house 12 to 24 hours prior to an inspection; Barnegat Light has shut down its inspections, Ship Bottom and Long Beach are still open. Kathy Ries (Harvey Cedars Taxpayers Association) stated she will include the message in the next email blast.

Motion to adjourn: Commissioner Imperiale

Second: Commissioner Rice

Meeting adjourned at 5:08pm.

Daina Dale, Municipal Clerk

Jonathan S. Oldham, Mayor

John M. Imperiale, Commissioner

Paul G. Rice, Commissioner

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2020 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS the Local Government Cap Law, NJSA 40A:4-45.1 et. seq., provides that, in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars in the County of Ocean finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Board of Commissioners hereby determines that any amount authorized herein that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring that, in the CY 2020 budget year, the final appropriations of the Borough of Harvey Cedars shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 3.5%, amounting to \$126,709 and that the CY 2020 municipal budget for the Borough of Harvey Cedars be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held via Zoom on **April 3, 2020**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **April 20, 2020** at 4:30pm hosted from the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, via Zoom at which time and place any person desiring to be heard will be given an opportunity to be so heard by registering online for the Zoom meeting at www.harveycedars.org.

Daina Dale

Daina Dale, Municipal Clerk

RESOLUTION #2020-050

**RESOLUTION FO THE BOROUGH OF HARVEY CEDARS COUNTY OF OCEAN,
STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO PROCESS
THIRD QUARTER “ESTIMATED” TAX BILLS, DUE AUGUST 1, 2020**

WHEREAS in light of the disruption caused by the coronavirus outbreak, the State delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

WHEREAS the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS without an adopted 2020 Municipal Budget and without a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS the DLGS “strongly recommends” under Local Finance Notice 2020-07 “that municipalities prepare to issue estimated property tax bills for 2020;” and

WHEREAS the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Harvey Cedars, in the County of Ocean and State of New Jersey on this 20th day of April, 2020 that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes; and

BE IT FURTHER RESOLVED that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

PASSED ON: April 20, 2020

CERTIFICATION

I, Daina Dale, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on April 20, 2020.

Daina Dale, Municipal Clerk